

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

DEBRA HAJICEK as Personal)	
Representative of the Estate of Ronald Ruiz,)	
Deceased,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 3:16-CV-826-JD-MGG
)	
WERNER ENTERPRISES, <i>et al.</i> ,)	
)	
Defendants.)	

OPINION AND ORDER

On October 19, 2017, this Court raised jurisdictional and venue issues through its *sua sponte* Opinion and Order. [\[DE 45\]](#). In compliance with the Order, Plaintiff timely filed her Brief on Jurisdiction and Venue on November 3, 2017. [\[DE 46\]](#). In her brief, Plaintiff provided a facially adequate allegation of the citizenship of the decedent Ronald Ruiz addressing the Court’s question regarding subject matter jurisdiction. [\[Id. at 1\]](#). Based on the assumption that the United States District Court retains jurisdiction in this case, Plaintiff further conceded that venue is proper in the Western District of Texas rather than in this District. [\[Id. at 2\]](#). Defendant Stanley Polk, proceeding *pro se*, filed nothing in response to Plaintiff’s Brief leading the Court to assume that Polk does not object to Plaintiff’s jurisdictional and venue conclusions.

The Court agrees with Plaintiff that venue is not proper here in the Northern District of Indiana. According to Plaintiff’s Amended Complaint filed on February 9, 2017, the judicial district in which a “substantial part of the events or omissions giving rise to [Plaintiff’s] claim occurred” is the Western District of Texas. [28 U.S.C. § 1391\(b\)\(2\)](#). Moreover, Polk has neither objected to Plaintiff’s assessment that venue is proper in Texas under Section 1391 nor explicitly

consented to venue in this district to justify maintaining the case here. *See De La Fuente v. I.C.C.*, 451 F. Supp. 867, 870 (N.D. Ill. 1978).

Accordingly, the Court **ORDERS** that this case be transferred to the Western District of Texas pursuant to 28 U.S.C. § 1404(a) because venue is proper in that district and this case could have been brought there originally.

SO ORDERED.

Dated this 30th day of November 2017.

s/Michael G. Gotsch, Sr.
Michael G. Gotsch, Sr.
United States Magistrate Judge